

REMARKS

Claims 1, 4-14 and 17-28 are pending in this application. By this Amendment, claims 1, 6, 14 and 19 are amended. No new matter is added. Claims 6, 7, 19 and 20 are provisionally withdrawn by the Examiner as allegedly drawn to a non-elected species. Claim 29 is canceled without prejudice to, or disclaimer of, the subject matter recited in that claim. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

1. Election of Species Requirement

The Office Action, in paragraph 2, makes an Election of Species Requirement (hereinafter "Requirement") between Group I, claims 1-28, drawn to an electronic circuit comprising a first and a second circuit unit; and Group II, claims 6, 7, 19, 20 and 29, drawn to an electronic circuit comprising a single circuit unit. Further, the Office Action, in paragraph 3, makes final the Requirement.

The Office Action asserts that no claims are generic to both species. Nevertheless, the Office Action, on page 2, lines 8-9, concedes that at least claims 6, 7, 19 and 20 are generic to both species because claims 6, 7, 19 and 20 are included in claims 1-28.

Further, the Office Action asserts that, for example, claim 1 is not generic to both group of claims because Fig. 3 depicts a first and a second circuit unit, whereas Fig. 5 allegedly depicts only one circuit unit. This claim interpretation is unduly narrow because the transistors Qd1-Qd5 in Fig. 5 are connected in series while the first current level passes through the circuit and are connected in parallel when the second current is generated. Therefore, claim 1 recites all the features depicted in Fig. 5.

A generic claim should require no element additional to those required by the species claims, and each of the species claims must require all the limitations of the generic claim (see MPEP §806.04(d)). Independent claim 1 requires no material element additional to those

required by any of the alleged species claims. Further, each of the alleged species claims are dependent from and require all the limitations of claim 1. As such, claim 1 is believed to be generic to all species.

Accordingly, Applicant respectfully requests withdrawal of the Election Requirement.

Applicant is also concerned with the implied emphasis of the terms "NOT (several instances)," "ONE," and "NO CURRENT MIRROR," in paragraph 3 of the Office Action. Applicant is concerned that the Examiner having felt compelled to capitalize these terms, obviously for emphasis, may express a certain frustration with Applicant's clearly articulated arguments with respect to the Restriction and/or Election of Species Requirements previously promulgated, and currently enumerated, in prosecution of this application. Applicant believes that the arguments are appropriately stated and have merit.

2. Formal Matter

The Office Action, in paragraph 5, objects to claims 1 and 14. Specifically, the Office Action objects to claims 1 and 14 because Applicant allegedly only discloses that the first circuit unit contains a plurality of transistors connected in parallel and the second circuit unit containing a plurality of transistors connected in series. This assertion requires an overly-technical interpretation that ignores Applicant's positive disclosure in at least paragraph [0195], which sets forth that, for applications such as magneto-resistive elements, an embodiment may be chosen in which the current supply transistors are mutually connected in series and the driving current generation circuits are mutually connected in parallel. Withdrawal of the objection based on the above disclosure is respectfully requested.

3. Claim Rejections Under 35 U.S.C. §112

The Office Action, in paragraph 7, rejects claims 5 and 18 under 35 U.S.C. §112, first paragraph, because the first circuit unit including a plurality of transistors connected in series and a second circuit unit including a plurality of transistors connected in parallel is allegedly

not enabled in the specification. Specifically, the Office Action asserts that Applicant allegedly does not provide support for the first circuit unit including a plurality of transistors connected in series, and the second circuit unit including a plurality of transistors connected in parallel. As such, the assertion in the Office Action is substantially similar to the assertion made in the objection to claims 1 and 14, as discussed above. This rejection is respectfully traversed for the reasons indicated above. Specifically, Applicant believes that the specification, as originally filed, provides sufficient disclosure for this feature at least in paragraph [0195].

Accordingly, reconsideration and withdrawal of the rejection of claims 5 and 18 under 35 U.S.C. §112, first paragraph, are respectfully requested.

The Office Action, in paragraph 9, rejects claims 1 and 14 under 35 U.S.C. §112, second paragraph, because the feature in each of the first circuit unit and the second circuit unit having the plurality of transistors having the same driving capability is allegedly indefinite. This rejection is respectfully traversed. The Office Action asserts that it is allegedly unclear whether both of the first and second circuit units have a plurality of transistors each with the same driving capability or whether only the circuit unit having the plurality has the same driving capability. Claims 1 and 14 are amended to obviate the rejection.

Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 14 under 35 U.S.C. §112, second paragraph, are respectfully requested.

4. Claim Rejections Under U.S.C. §103

The Office Action, in paragraph 12, rejects claims 1, 4, 5, 8-14, 17, 18 and 21-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,909,242 to Kimura (previously applied) in view of U.S. Patent Application Publication No. 2005/0200300 to Yumoto (previously applied). These rejections are respectfully traversed.

Claims 1 and 14 recite, among other features, a switching element mutually connected to a plurality of transistors in the first circuit unit; and the first circuit unit and the second circuit unit constituting a current mirror circuit through the capacitor element by turning on the switching element. Additionally, claims 6 and 19 recite similar features. These features cannot reasonably be considered to be taught, or to have been suggested, by the applied references.

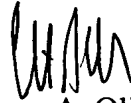
For at least the above reasons, any permissible combination of the applied references cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in at least independent claims 1, 6, 14 and 19. Further, claims 4, 5, 7-13 and 17-28 would also not have been suggested by the applied references for at least the respective dependence of these claims on allowable independent claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of the enumerated claims under 35 U.S.C. §103(a) as being unpatentable over the applied references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4-14 and 17-28 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Christopher J. Wheeler
Registration No. 60,738

Attachment:
Request for Continued Examination

JAO:CJW/clf

Date: September 18, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--